

May 4, 2009

The Honorable Mark Meadows
State Senator
State Capitol
P.O. Box 30036
Lansing, MI 48909-7536

Dear Representative Meadows:

As members of the Columbia Law School Human Rights Clinic, we are encouraged by the passage of Second Chance legislation in the Michigan House of Representatives last year. This legislation, which would end the practice of mandatory life sentences without the possibility of parole for juveniles in Michigan, accords with human rights law and would bring Michigan into conformity with international practice. Indeed, the United States is the only country in the world that continues to sentence juveniles to mandatory life without the possibility of parole. We urge you to take steps to bring Michigan in line with the international community on this issue.

Juvenile life without parole (JLWOP) sentences are a form of cruel and disproportionate punishment imposed on children and have been widely rejected by the rest of the world. Until recently, Israel was the only country besides the U.S. to engage in this practice. Israel has now banned the practice. Other countries in the Americas, such as Mexico and Colombia, have specialized criminal courts to try juveniles, and enforce proportional sanctions considering their condition as minors.

Furthermore, the practice of JLWOP is in violation of several major international treaties. Article 24 of The International Covenant on Civil Political Rights (ICCPR) declares that countries must afford special protection to children as a result of their minor status. The United Nations Human Rights Committee, the body in charge of interpreting the ICCPR, has found that "sentencing children to life sentences without parole is of itself not in compliance with article 24(1) of the Covenant." The Committee on Torture and the Committee on the Elimination of Racial Discrimination have also expressed concern over the U.S. practice of sentencing juveniles to life without parole. Moreover, JLWOP sentences are clear violations of the Convention on the Rights to the Child (CRC) -- one of the most widely accepted and respected international treaties. Article 37 of the CRC explicitly bans the practice of sentencing to juveniles to life without parole.

Despite this overwhelming international consensus, Michigan is one of thirteen states in the U.S. that have no lower age limit for life sentences without possibility of parole and has made this punishment mandatory regardless of the defendant's age.

Mandatory JLWOP sentences constitute serious human rights violations. Michigan's Second Chance legislation would bring Michigan into compliance with human rights standards and go a long way toward ameliorating this injustice.

Sincerely,

Caroline Bettinger-Lopez, Professor

Chris Buerger, Student

Hiba Hafiz, Student

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The Columbia Law School
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